



National Trust *for*
Historic Preservation
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FOR IMMEDIATE RELEASE

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Settlement Announced in Bridges Project Lawsuit

LOUISVILLE, Ky. (Jan. 4, 2013) – The Indiana Department of Transportation (INDOT), the Kentucky Transportation Cabinet (KYTC), the National Trust for Historic Preservation and River Fields, Inc. have reached a settlement agreement in the federal litigation relating to the Ohio River Bridges Project. The lawsuit was filed in 2009 by the National Trust and River Fields.

All four parties have agreed to dismiss the pending lawsuit initiated by the National Trust and River Fields, in exchange for additional commitments to historic preservation and public involvement.

The settlement agreement recognizes that INDOT and KYTC have now entered into contracts that provide for essentially simultaneous construction of the downtown and east end portions of the Project. The settlement agreement includes a range of commitments by INDOT and KYTC regarding the protection of historic properties, public involvement and communications during construction of the Project, and issues related to drainage and water runoff.

The settlement calls for both states to create a Historic Preservation and Enhancement Fund, to be established with \$1.7 million in state funds provided equally by INDOT and KYTC. The State Historic Preservation Officers for Indiana and Kentucky will use the Fund to administer grants to local governments and non-profit organizations for rehabilitating, preserving and enhancing historic properties and districts within the areas affected by the bridges project. The agreement lists projects that are eligible for grants from the Fund. Eligible projects include, among others, grants for the protection and interpretation of notable African-American sites in eastern Jefferson County, Ky., including the historic Jefferson Jacobs School, a Rosenwald School, in Louisville.

The agreement also includes commitments by INDOT and KYTC to carry out actions that go above and beyond the states' existing historic preservation commitments. These additional actions include efforts to protect and relocate historic homes in Jeffersonville, Ind., one of the nation's oldest cities west of the Alleghenies; to develop and submit nominations for properties to be listed in the National Register of Historic Places; to nominate a section of Upper River Road as a National Scenic Byway; and to install historical markers.

In addition, the agreement includes commitments regarding public meetings and communications during the construction phase of the project; development of blasting and vibration monitoring plans for historic properties; and public availability of information regarding permitting for the stormwater management features of the East End Crossing.

Based on these commitments by INDOT, KYTC, the National Trust and River Fields have agreed to dismiss all of their claims in the current lawsuit and waived the right to challenge permits and approvals issued prior to execution of the settlement agreement. All the parties will bear their own attorneys' fees and other costs of the litigation.

The Settlement Agreement is posted on the Project website, www.kyinbridges.com.

The Project

The Ohio River Bridges Project is a construction, modernization and rehabilitation project that addresses cross-river transportation needs in the greater Louisville-Southern Indiana region by providing two new bridges across the Ohio River, thereby creating additional capacity, improving transportation efficiency and reliability, and making needed performance and safety enhancements to the existing infrastructure.

The Project was initially approved by the Federal Highway Administration (FHWA) in a Record of Decision issued in September 2003. The States proceeded with design work, but did not proceed with construction, due to insufficient funding.

In February 2011, FHWA initiated a Supplemental Environmental Impact Statement (SEIS) for the project. The SEIS evaluated the States' proposed cost-saving design changes and the potential use of toll revenues to help pay for the Project.

On June 20, 2012, FHWA issued a Revised ROD approving the Project, with the design changes and tolling elements that were evaluated in the SEIS. After the Revised ROD was issued, the States entered into an agreement under which Kentucky has lead responsibility for implementing the downtown portion of the project, while Indiana has the lead responsibility for the east end portion.

On December 7, 2012, Kentucky awarded a design-build contract for construction of the downtown portion of the Project, and on December 28, 2012, Indiana awarded a contract for construction of the east end portion. The contracts provide for completion of the entire project by the end of 2016.

About the National Trust for Historic Preservation

The National Trust for Historic Preservation, a privately funded nonprofit organization, works to save America's historic places. www.PreservationNation.org.

About River Fields

River Fields, Inc., is the largest and oldest river conservancy along the 981-mile Ohio River. For 53 years, River Fields has utilized its resources to effectively protect, preserve and enhance the natural and cultural resources of the land and water around the Ohio River in our region.

Through its programs of land conservation, advocacy and education, River Fields strives to create harmony between nature, history and the people who live here. River Fields owns land or holds conservation easements on 34 properties, totaling more than 2,200 acres, most of which is preserved forever. River Fields is one of the nation's few land trusts tackling both regional advocacy work and land conservation. www.Riverfields.org.